

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Judge Thomas J. Tucker

**STATEMENT OF ATTORNEYS' FEES RELATED TO CITY OF
DETROIT'S MOTION FOR (I) DETERMINATION THAT COURTNEY D.
PAYTON WILLFULLY VIOLATED THIS COURT'S ORDER GRANTING
MOTION TO ENFORCE, ENTERED AT DOCKET NUMBER 10743, AND
(II) AWARDING COMPENSATORY AND PUNITIVE SANCTIONS**

Pursuant to the *Order Granting, In Part, City of Detroit's Motion for Certain Relief Against Courtney D. Payton and His Attorneys* ("Order") [Doc. No. 12669], the City of Detroit ("City") submits the attached schedules of fees incurred in defending against the 2017 State Court Action (as such term is defined in the Order) and in filing and prosecuting the *Motion for (I) Determination that Courtney D. Payton Willfully Violated This Court's Order Granting Motion to Enforce, Entered at Docket Number 10743, and (II) Awarding Compensatory and Punitive Sanctions* ("Motion") [Doc. No. 11894]. Exhibit A is a schedule of fees incurred by Miller Canfield Paddock & Stone PLC's attorneys and paralegal for work related to the Motion in the total amount of \$15,671.00. Exhibit B is a schedule of fees incurred by attorneys of the City's Law Department for work

related to the 2017 State Court Action and the Motion in the total amount of \$2,187.50. Consequently, the total amount of fees and expenses is \$17,858.50.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

By: /s/ Marc N. Swanson
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DATED: September 6, 2017

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 6, 2017, he served the *Statement of Attorneys' Fees Related Motion for (I) Determination that Courtney D. Payton Willfully Violated This Court's Order Granting Motion to Enforce, Entered at Docket Number 10743, and (II) Awarding Compensatory and Punitive Sanctions* with its exhibits upon individuals listed below via first class mail and email.

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swansonm@millercanfield.com

DATED: September 6, 2017

EXHIBIT A

Date	Timekeeper	Hourly Rate	Hours	Amount	Narrative
5/31/2017	Swanson, Marc N.	\$360.00	2.5	\$900.00	Drafting motion to enforce against Payton.
5/31/2017	Wysocki, Robin M.	\$195.00	0.3	\$58.50	Assist M. Swanson with fact gathering and review of previous pleadings filed against and by, Courtney Payton, for use in drafting motion to enforce Plan of Adjustment injunction against Payton. (.3)
6/1/2017	Green, Jonathan S.	\$495.00	1	\$495.00	Conference with M. Swanson regarding Courtney Payton Motion and review Motion and Extant Motion (.3); review revised version of C. Payton Motion (.2); review and revise final Motion to Enforce Against C. Payton (.3); and conference with R. Spinner regarding same (.2).
6/1/2017	Spinner, Ronald A	\$335.00	1.5	\$502.50	Research and draft motion to enforce against Payton and arrange for filing and service along with ex parte motion to expedite; assist with service (1.5).
6/1/2017	Swanson, Marc N.	\$360.00	1.5	\$540.00	Several correspondence with Payton's counsel and finalizing motion for filing (1.5).
6/1/2017	Wysocki, Robin M.	\$195.00	2.7	\$526.50	Assemble all exhibits and apply redactions to exhibits as directed for Motion for (I) Determination that Courtney D. Payton Willfully Violated This Court's Order Granting Motion to Enforce, Entered at Docket Number 10743, and (II) Awarding Compensatory and Punitive Sanctions and format Motion for filing (.6). Conferences with R. Spinner regarding information needed for filing (.2) and file Motion with court (.3). Make revisions to Ex Parte Motion for an Order Shortening Notice and Scheduling an Expedited Hearing on the City of Detroit's Motion for (I) Determination That Courtney D. Payton Willfully Violated This Court's Order Granting Motion to Enforce, Entered at Docket Number 10743, and (II) Awarding Compensatory and Punitive Sanctions and format for filing with court (.3). File Ex Parte Motion with court (.3). Add information on docket numbers of main Motion and Ex Parte Motion to order on Ex Parte Motion and submit order to judge's chambers (.3). Serve both main Motion and Ex Parte Motion on opposing counsel via email (.1). Assemble packet for first class mail service of both motions and travel to post office and arrange mailing (due to late day filing and missed mail pickup) (.6).
6/15/2017	Swanson, Marc N.	\$360.00	0.4	\$144.00	Reviewing response filed by Payton and telephone conference with G. Ha regarding same (.4).
6/16/2017	Swanson, Marc N.	\$360.00	0.2	\$72.00	Reviewing correspondence and documents on Payton claim (.2).
6/18/2017	Swanson, Marc N.	\$360.00	0.7	\$252.00	Reviewing potential exhibits for response on Payton.
6/19/2017	Swanson, Marc N.	\$360.00	0.3	\$108.00	Reviewing letters sent to Payton's providers from York and correspondence from G. Ha regarding same for use as potential exhibits to reply.
7/5/2017	Swanson, Marc N.	\$360.00	0.2	\$72.00	Reviewing Payton Motion to file in traditional paper manner (.1); reviewing order on Payton filing (.1).
7/5/2017	Wysocki, Robin M.	\$195.00	0.1	\$19.50	Save copies of C. Payton's request to file response to Motion in conventional paper manner and order granting request to file database (.1).
7/7/2017	Swanson, Marc N.	\$360.00	0.9	\$324.00	Replying to objection filed by C. Payton (.9).
7/8/2017	Swanson, Marc N.	\$360.00	2.2	\$792.00	Drafting reply in support of Motion against C. Payton.
7/9/2017	Swanson, Marc N.	\$360.00	0.5	\$180.00	Drafting response on C. Payton (.5).
7/10/2017	Spinner, Ronald A	\$335.00	1.6	\$536.00	Plan C. Payton response with M. Swanson and research case law for support of brief (1.6).
7/10/2017	Swanson, Marc N.	\$360.00	3.6	\$1,296.00	Telephone conference with T. Hackney of York regarding declaration in support of Motion to enforce against C. Payton (.2); drafting declaration of T. Hackney and sending same to G. Ha (.9); reviewing G. Ha's comments to declaration, revising declaration and sending same to T. Hackney (.3); drafting and researching reply in support of Motion to enforce against C. Payton (2.2).
7/11/2017	Spinner, Ronald A	\$335.00	0.7	\$234.50	Review draft C. Payton response and suggest additional research required (.1); find case law citations regarding requirement to obey a bankruptcy court order until and unless it is set aside for C. Payton response (.6).
7/12/2017	Swanson, Marc N.	\$360.00	1.4	\$504.00	Finalizing reply in support of Motion to enforce Against C. Payton.
7/14/2017	Wysocki, Robin M.	\$195.00	1	\$195.00	Format reply to C. Payton response with exhibits and draft certificate of service and forward all to M. Swanson for review (.6); file with court and serve via email and first class mail (.4).
7/19/2017	Green, Jonathan S.	\$495.00	0.2	\$99.00	Conference with M. Swanson regarding C. Payton matter, and interpretation of paragraph 3 of the Order.

7/19/2017	Spinner, Ronald A	\$335.00	1.2	\$402.00	Work with M. Swanson to prepare for oral argument for sanctions in C. Payton case (.5); research regarding [REDACTED] (.7).
7/19/2017	Swanson, Marc N.	\$360.00	4.7	\$1,692.00	Preparation for and participation in court hearing on C. Payton (4.0); telephone conference with G. Ha and C. Raimi after court hearing (.2); reviewing potential additional arguments (.5).
7/26/2017	Spinner, Ronald A	\$335.00	4.1	\$1,373.50	Listen to C. Payton hearing, discuss with M. Swanson and build outline for brief that could be filed (1.5); begin research to support C. Payton brief (1.2); begin drafting sections of C. Payton brief for M. Swanson (1.4).
7/27/2017	Green, Jonathan S.	\$495.00	0.3	\$148.50	Review proposed Supplemental Brief and papers for permission to file in the C. Payton matter.
7/27/2017	Swanson, Marc N.	\$360.00	3.4	\$1,224.00	Drafting C. Payton Supplemental Brief.
7/28/2017	Spinner, Ronald A	\$335.00	1.5	\$502.50	Research case law on imputation of attorney actions to client and review and revise C. Payton Supplemental Brief (1.5).
7/28/2017	Swanson, Marc N.	\$360.00	0.4	\$144.00	Reviewing and revising C. Payton brief (.4).
7/29/2017	Swanson, Marc N.	\$360.00	1.3	\$468.00	Drafting and revising brief on C. Payton (.4); Reviewing and revising C. Payton Supplemental Brief (.9).
7/30/2017	Spinner, Ronald A	\$335.00	1	\$335.00	Review and revise C. Payton Ex Parte Motion and Supplemental Brief.
7/30/2017	Swanson, Marc N.	\$360.00	0.7	\$252.00	Draft further revisions to the C. Payton Supplemental Brief and Ex Parte Motion.
7/31/2017	Green, Jonathan S.	\$495.00	0.4	\$198.00	Review Supplemental Response in C. Payton Injunction/Sanction matter (.3); and review Order Granting Motion to File Supplemental Response (.1).
7/31/2017	Spinner, Ronald A	\$335.00	0.3	\$100.50	Review order granting Ex Parte Motion to file Supplemental Brief on C. Payton, plan next steps and review and revise certificate of service (.3).
7/31/2017	Wysocki, Robin M.	\$195.00	2.1	\$409.50	Format and file Ex Parte Motion to file Supplemental Brief in Response to Arguments Raised by Courtney D. Payton for the First Time at the July 19, 2017, Hearing (.4); submit proposed order to judge's chambers (.2); serve via email upon Payton's counsel (.1). Receipt of order granting Ex Parte Motion to file Supplemental Brief in Response to Arguments Raised by Courtney D. Payton for the First Time at the July 19, 2017, Hearing and serve upon Payton's counsel via email (.2); place telephone calls to Payton's counsel to alert them of adjourned hearing, per terms of order (.3); format and file Supplemental Brief with court (.3); draft and file certificate of service of Ex Parte Motion and Brief (.4) forward copies of filed documents to City Law Department and calendar response deadline and new hearing date for attorneys (.2).
8/15/2017	Swanson, Marc N.	\$360.00	0.4	\$144.00	Reading brief filed by Payton and correspondence to G. Ha and C. Raimi regarding same (.4).
8/17/2017	Spinner, Ronald A	\$335.00	0.2	\$67.00	Review Payton response to supplemental brief and discuss with Marc Swanson (0.2).
8/30/2017	Swanson, Marc N.	\$360.00	1	\$360.00	Participation in court hearing on Payton bench opinion (1.0).
		TOTALS	46.5	\$15,671.00	

EXHIBIT B

Time by File
Beginning thru End

L17-00337 - Payton, Courtney v COD

Date	Staff	Team	Task	Hours	Description
6/7/2017	Grant Ha		Draft/Revise	1.75	Answer complaint and prepare affirmative defenses.
6/7/2017	Grant Ha		Communicate (with OC)	0.25	Review VM from PLT. Phone call to OPC requesting OPC to have PLT cease calls.
6/21/2017	Grant Ha		Draft/Revise	2.50	Prepare responses to RFA.
6/26/2017	Grant Ha		Review/Analyze	0.50	Review and revise final draft of RFA, assign to secretary for efile/eserve.
6/29/2017	Grant Ha		Review/Analyze	1.00	Review and revise RFA response.
7/13/2017	Grant Ha		Review/Analyze	0.50	Review filing by outside counsel. Emails to and from outside counsel.
7/18/2017	Grant Ha		Communicate (other external)	0.25	Phone call with Marc Swanson regarding bankruptcy claim hearing.
7/18/2017	Grant Ha		Communicate (other external)	0.25	Email to Marc Swanson regarding discovery request by Morse Law firm. Attach discovery responses.
7/18/2017	Grant Ha		Communicate (other external)	0.25	Email to Marc Swanson regarding time spent on case.
7/18/2017	Grant Ha		Draft/Revise	0.25	Pull Citylaw report of time spent on lawsuit.
7/19/2017	Grant Ha		Communicate (other external)	0.25	Phone call with Marc Swanson regarding results of motion.
7/19/2017	Grant Ha		Communicate (in firm)	0.25	Discussion with C. Raimi regarding results of bankruptcy court hearing.
				8.00	Subtotal
5/19/2017	James D Noseda		Review/Analyze	0.75	INTAKE
				8.75	Grand Total Hours